



Jennifer  
Chergo/OCP/R8/USEPA/US  
09/22/2004 04:36 PM

To Ginny Brannon <ginny.brannon@state.co.us>  
barbara.ogradey@state.co.us, ginny.brannon@state.co.us,  
Karen Kellen/ENF/R8/USEPA/US@EPA, Patricia  
Courtney/OCP/R8/USEPA/US@EPA, Richard Lotz  
cc <richard.lotz@state.co.us>, Victor  
Ketellapper/EPR/R8/USEPA/US@EPA, Wendy  
OBrien/EPR/R8/USEPA/US@EPA

bcc

Subject Re: Clarifying risk and disclosure at VB

O.K. That makes sense. How about we split this into groups:

1. For those whose sampling results show their lawn is below action levels and they do not require a cleanup, we say:

The decision values for your property are below the cleanup levels; therefore, a cleanup action is not required at your property. This means your property is not considered by EPA to be part of the Vasquez Boulevard/I-70 Superfund Site. You and your family are not at risk from lead or arsenic through ordinary contact with soil in your yard while playing, working, gardening, etc.

2. For those whose soil has been removed and the work is complete, we say:

EPA has completed the soil cleanup at your property. This means your property is no longer considered by EPA to be part of the Vasquez Boulevard/I-70 Superfund Site. The lead and arsenic levels in your yard soil are now low enough that EPA does not believe any further precautionary measures are necessary. You and your family are not at risk from lead or arsenic through ordinary contact with soil in your yard while playing, working, gardening, etc...

Colorado State law requires that you disclose this information to potential buyers of this property. EPA recommends that if you lease this property, it is very important that you share these results with the tenants.

Ginny Brannon <ginny.brannon@state.co.us>



Ginny Brannon  
<ginny.brannon@state.co.us>  
09/15/2004 04:38 PM

To Jennifer Chergo/OCP/R8/USEPA/US@EPA, Patricia  
Courtney/OCP/R8/USEPA/US@EPA, Karen  
Kellen/ENF/R8/USEPA/US@EPA, Victor  
Ketellapper/EPR/R8/USEPA/US@EPA, Wendy  
OBrien/EPR/R8/USEPA/US@EPA,  
barbara.ogradey@state.co.us, ginny.brannon@state.co.us  
cc Richard Lotz <richard.lotz@state.co.us>  
Subject Re: Clarifying risk and disclosure at VB

The seller's property disclosure form for residential properties requires that the seller disclose the existence of "toxic materials" now

existing or that have existed. What constitutes a "toxic material" is not defined, but I would not say that an owner of a property that has contamination below our action levels has "toxic materials" requiring disclosure. Also, the owners' obligations to tenants is not clear. I recommend deleting that paragraph.

Also, you will soon meet your new Lawyer, Richard Lotz. He is a great guy and his e-mail address is richard.lotz@state.co.us

That said, I'm still happy to hear from you!

Ginny Brannon  
Assistant Attorney General  
Office of the Attorney General  
1525 Sherman Street - 5th Floor  
Denver, CO 80203  
(303) 866-5118  
(303) 866-3558 (fax)

>>> <Chergo.Jennifer@epamail.epa.gov> 9/15/2004 2:07:52 PM >>>

Hi all. This might be a long email, sorry. I received a call from landlady person who owns property in VB/I-70. She made an interesting point that we haven't provided enough risk information to people at properties that don't require a cleanup. The more I thought about it, the more I think she is right. She and probably many others at properties that don't require cleanup are probably thinking that they have contamination, but it's just not enough for us to remove the lawn.

So, they're still a little freaked out even when we tell them that they don't qualify for a cleanup.

I think we should work on our written information and our messages so that we are more clear that there is no serious risk to people who live on properties below our cleanup levels. One place to start would be in our "comfort letters".

We send out a letter to people after their soil is sampled telling them whether or not they require a cleanup and what their levels are. We also provide property owners with a closure form after their property is cleaned up. In both of those, I propose a paragraph that reads something like:

"The decision values for your property are below the cleanup levels; therefore, a cleanup action is not required at your property (or, EPA has completed the soil cleanup at your property). This means your property is not considered by EPA to be part of the Vasquez Boulevard/I-70 Superfund Site. The lead and arsenic levels in your yard soil are low enough that EPA does not believe that any further precautionary measures are necessary. You and your family are not likely to be at risk from lead or arsenic through ordinary contact